<div align="center">**REMARKS**</div>

Reconsideration of this Application is respectfully requested in view of the foregoing amendment and the following remarks. Claims 21 and 23-38 were pending in this Application. Claims 21, 28-29 and 33-34 have been amended. Accordingly, claims 21 and 23-38 are presently under examination. Support for the amendments may be found, for example, in the original claims, in the specification at page 12 line 8 through page 15 line 18, and Figures 3 and 5. No new matter has been introduced by any of the requested amendments. For the reasons set forth below, Applicant respectfully submits that all claims pending herein are in condition for Allowance.

In the Office Action:

- Claims 21, 23, 27-30, 33-35 and 38 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,293,280 to Gupta et al. (hereinafter "Gupta").

- Claims 24-26 and 31-32 were rejected under 35 U.S.C. §103(a) as being unpatentable for obviousness over Gupta in view of U.S. Patent Application Publication No. 2002/0090087 to Tamura et al. (hereinafter "Tamura").

- Claims 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable for obviousness over Gupta in view of U.S. Patent No. 6,578,203 to Anderson Jr. et al. (hereinafter "Anderson").

Applicant respectfully traverses these rejections, for the reasons set forth below.

<div align="center">**Anticipation Rejection over Gupta**</div>

Claims 21, 23, 27-30, 33-35 and 38 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Gupta. To the extent this rejection might still be applied to claims presently pending in this Application, it is respectfully traversed, and reconsideration is requested.

The presently claimed invention recites systems and methods for recording a particular program, comprising: (a) receiving program information comprising a plurality of program

events, wherein each program event is associated with a set of available content streams, wherein the available content streams include at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream; (b) providing a user option to select a desired subset of the set of available content streams associated with the particular program event for recording, wherein the subset excludes at least one available content stream from the associated set of available content streams; and (c) receiving a user command or user input indicating the desired subset of available content streams for recording. *See* claims 21, 28 and 33, and their respective dependent claims. Claim 21 further requires that a storage device be configured to store the program information, and that a processor is configured to provide the user option and receive user input. *See* claim 21.

The Office contends that Gupta teaches a storage device to record specific content information. Office Action at pages 2-3. In particular, the Office contends that Gupta teaches the claimed systems and methods because Gupta allegedly discloses "segmentation data, selected by the user, matches with the plurality of programs provided from the content source" and that "skimming of the content is used to describe viewing only highlights of a presentation selected by user." Office Action at page 3. Applicant respectfully disagrees.

Contrary to the assertions in the Office Action, Gupta does not teach the claimed systems or methods, either in the cited columns or elsewhere. Gupta teaches a system that enables viewing of a "skimmed" program, which is a "condensed" or "summarized" version of the program. Gupta at col. 2 lines 15-25. As described in Gupta, "Skimming refers to omitting less important portions of recorded content during playback." Gupta at col. 4 lines 45-46. The system enables skimming using "segmentation" data, which "comprises lists of segments, in terms of beginning and end points, which are to be played for each version of the program." Gupta at col. 7 lines 6-8.

The Office apparently equates the *__segments__* of a program in Gupta with the claimed available *__content streams__*. Office Action at page 3. Thus, the Office argues that a user's

selection of a condensed or skimmed presentation is the same as the claimed receipt of user input indicating the desired subset of available content streams for recording. Office Action at page 3. However, the Office fails to explain what elements of Gupta equate to the other claim limitations, and the Office's comparison breaks down at this point.

The program segments of Gupta are not equivalent to the claimed content streams. The Office argues that Gupta discloses audio/video content and closed captioning data, Office Action at page 4, but this argument only serves to underscore that Gupta does not enable the selection or recording of only a desired subset of such content, e.g., only the audio or closed caption data for a particular program. Instead, Gupta breaks programs down into time segments, and each segment is apparently recorded with all associated content. Thus, Gupta *fails to teach or suggest a user's selection of only some of the available content streams associated with a program, wherein the available content streams include at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream*, as required by all of the present claims.

As described above, the presently claimed systems and methods are directed at permitting a user to select a subset of the "available content streams" associated with a particular program event for recording. Each program event is associated with a separate set of available content streams including at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream. The selection of the desired subset prevents unnecessary content stream recording and reduces the storage requirements. For example, if a user of the claimed system wanted to record a live sporting event such as Super Bowl XXXVI, the user is provided with the option to select available content streams, for example an English (primary) audio stream, a Spanish (alternate) audio stream, a regular definition video stream, and a high definition video stream. The system provides a user option to select a desired subset of the available content streams while excluding at least one of the content streams, and also receives user input indicating the desired subset. Depending on the user's preferences, the desired subset can vary. For example, a Spanish-

speaking user might select the Spanish audio stream and the high definition video stream, and an English-speaking user might select the English audio stream and the regular definition video stream. The selection of the desired subset prevents unnecessary content stream recording and reduces the storage requirements.

Thus, as presently claimed, a user selects a *subset of the available content streams* associated with a particular program event for recording, wherein at least one of the available content streams is not included in the subset, and thus is not recorded. The Gupta system does not teach, disclose or suggest this. Gupta teaches recording *time segments* of a program (e.g., a broadcast television program), and does not teach or suggest the recording (or exclusion) of only certain content streams associated with a program event. Thus, the Gupta system would record the entire set of content streams associated with the condensed version of Super Bowl XXXVI, including the English audio stream, a Spanish audio stream, a regular definition video stream, and a high definition video stream. Thus, for the same program event, the user of the Gupta system would have increased storage requirements, because unnecessary content streams have been recorded.

Gupta thus fails to teach receiving program information comprising a plurality of program events, wherein *each program event is associated with a set of available content streams including at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream*, providing a *user option to select a desired subset of the set of available content streams associated with the particular program event for recording*, wherein *the subset excludes at least one available content stream* from the associated set of available content streams, and receiving a user command or user input *indicating the desired subset of available content streams for recording*, as required by all of the pending claims.

For the reasons stated above, Gupta does not teach all of the claimed limitations of the present invention, and Applicant respectfully requests that the rejection be withdrawn.

Obviousness Rejection over Gupta in view of Tamura

Claims 24-26 and 31-32 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Gupta in view of Tamura. To the extent this rejection might still be applied to claims presently pending in this Application, it is respectfully traversed, and reconsideration is requested.

As previously discussed, Gupta is deficient as a primary reference, because it fails to teach or suggest each and every limitation of the independent claims. Tamura's alleged teaching of a descrambler fails to supplement the deficiencies of Gupta as a primary reference.

In addition, a prima facie case of obviousness has not been established because the Office has not provided any support for the conclusion that there existed at the time of the invention an apparent reason to modify the device of Gupta in the manner claimed. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41, 82 USPQ2d 82 USPQ2d 1385, 1396 (2007); *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). *See also* MPEP § 2141. The Office provides no explanation of *why* one would modify Gupta with Tamura, because Tamura's provision of a descrambler would not provide any benefit to the Gupta system, which lacks any scrambled signals or indeed any motivation for scrambling or descrambling signals. Nor does the Office explain *how* to modify Gupta with Tamura, or how such a modification would achieve the claimed invention. Hence, the cited references taken alone or in combination do not teach, suggest, or make obvious the present invention, and Applicant respectfully requests that the rejection be withdrawn.

Obviousness Rejection over Gupta in view of Anderson

Claims 36 and 37 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Gupta in view of Anderson. To the extent this rejection might still be applied to claims presently pending in this Application, it is respectfully traversed, and reconsideration is requested.

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As previously discussed, Gupta is deficient as a primary reference, because it fails to teach or suggest each and every limitation of the independent claims. Anderson's alleged teaching of a signal modulator fails to supplement the deficiencies of Gupta as a primary reference.

In addition, a prima facie case of obviousness has not been established because the Office has not provided any support for the conclusion that there existed at the time of the invention an apparent reason to modify the device of Gupta in the manner claimed. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41, 82 USPQ2d 82 USPQ2d 1385, 1396 (2007); *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). *See also* MPEP § 2141. The Office provides no explanation of ***why*** one would modify Gupta with Anderson, because Anderson's provision of a modulator would not provide any benefit to the Gupta system, which lacks any motivation for modulating signals. Nor does the Office explain ***how*** to modify Gupta with Anderson, or how such a modification would achieve the claimed invention. Hence, the cited references taken alone or in combination do not teach, suggest, or make obvious the present invention, and Applicant respectfully requests that the rejection be withdrawn.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this Application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative.

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